

administrative duties currently performed by the office

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Higher Educational Aids Board (HEAB) awards Wisconsin covenant scholar grants to undergraduates enrolled at least half time at nonprofit public or private institutions of higher education or at tribally controlled colleges in this state. Currently, DOA promulgates rules to implement that grant

program and the Office of the Wisconsin Covenant Scholars Program in DOA (office)

designates students as Wisconsin covenant scholars, coordinates activities to

promote attendance at nonprofit institutions of higher education in this state and

performs certain other duties relating to the administration of the program.

This bill eliminates the office and the promotional activities performed by the office and transfers to HEAB the duties of designating students as Wisconsin

covenant scholars, promulgating rules to implement the program, and otherwise

administering the program. The bill also prohibits students from enrolling in the

program after September 30, 2011. After that date, HEAB may designate a student

as a Wisconsin covenant scholar only if the student enrolled in the program by that

date.

, including the duty of appointing an executive secretary,

*** ANALYSIS FROM -1097/3 ***

Under current law, the Arts Board is attached to the Department of Tourism,

which means that, subject to certain exceptions, the Arts Board exercises its powers,

duties, and functions independently of the secretary of tourism. Current law also

requires the Arts Board to appoint an executive secretary to serve at its pleasure.

This bill places the Arts Board in the Department of Tourism, which means that

the Arts Board exercises all of its powers, duties, and functions under the direction

and supervision of the secretary of tourism. The bill also requires the secretary of

plain no ital

hand

so
↑
letters

administers
the
program
and

tourism ² rather than the Arts Board, to appoint an executive director of the Arts Board to serve at the pleasure of the secretary.

Current law ^{generally} requires at least 0.02 percent of the appropriation for the construction, reconstruction, renovation, or remodeling of, or for an addition to, a ^{says} state building to be used to acquire works of art for the building (Percent for Art Program). ^{says} That requirement, however, does not apply if the total construction cost of the project is \$250,000 or less. This bill eliminates the Percent for Art Program. ^{says}

ENVIRONMENT

*** ANALYSIS FROM -1050/P3 ***

RECYCLING

Current law generally prohibits a person from disposing of certain materials, such as aluminum containers, in a landfill or incinerator. ^{and} Current law also requires a municipality ^{or county} to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, unless the county assumes this responsibility. DNR administers a program that provides financial assistance to local governments that operate recycling programs.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. ^{and} The bill prohibits an individual from placing materials such as aluminum containers ^{with materials to} in a container the contents of which will be disposed of in a landfill or incinerator.

*** ANALYSIS FROM -1320/2 ***

Under current law, the main sources of revenue for the segregated recycling and renewable energy fund are the recycling tipping fee and the recycling surcharge. Currently, the recycling tipping fee is \$7 per ton of solid waste disposed of, other than

certain kinds of high-volume industrial waste. The recycling surcharge, which ranges from \$25 to \$9,800 annually, is imposed on businesses that have at least \$4,000,000 in gross receipts.

This bill renames the recycling and renewable energy fund to be the economic development fund and renames the recycling surcharge to be the economic development surcharge. Under the bill, ² \$4 per ton of the recycling tipping fee ^{T directs} is deposited in the economic development fund and \$3 per ton ^{is to be} deposited in the environmental fund. The bill also changes the current appropriations from the recycling and renewable energy fund that are for purposes related to the environment to be from the environmental fund.

*** ANALYSIS FROM -1328/3 ***

WATER QUALITY

Current law requires DNR to promulgate rules prescribing performance standards for facilities or practices that cause ^{or} may cause water pollution ^{from} that does not result from a discernible, confined, and discrete conveyance (nonpoint source water pollution).

This bill requires DNR to repeal and recreate its nonpoint source water pollution rules effective 90 days after this bill's effective date and specifies that the rules may not be more stringent than the requirements under the federal Water Pollution Control Act. The bill also specifies that, to the extent allowed under federal law, if DNR's rules establish a deadline for certain municipalities to achieve a minimum reduction regarding certain runoff from existing development, ^T the rules must ^{to the extent allowed under federal law} also provide that ^a the fixed-date deadline does not apply to a municipality if the ^{regarding the reduction of runoff from existing development} deadline would have a significant adverse economic impact on that municipality.

*** ANALYSIS FROM -1329/1 ***

Under current law, DNR may promulgate rules that establish effluent limitations concerning the discharge of phosphorous if the federal Environmental Protection Agency has not promulgated a phosphorus discharge limitation, standard, or prohibition.

(not) This bill prohibits DNR from establishing phosphorous effluent limitations that are more stringent than the effluent limitations established by any of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

*** ANALYSIS FROM -1369/1 ***

Under current law, DNR establishes statewide standards for erosion control at commercial building ~~construction~~ sites. Plans for erosion control at commercial building

~~these~~ construction sites must be submitted to, and approved by, DNR or a county, city, municipality, village, or town to which DNR has delegated authority to act (delegated

municipality). Current law also requires DNR or a delegated municipality to inspect erosion control activities and structures at ~~these~~ commercial building construction sites.

Under current law, DNR, or a delegated municipality may issue a special order to obtain compliance with these requirements.

This bill transfers the responsibility for administering the ~~construction~~ laws with regard to erosion control at commercial building sites from DNR to DRL, renamed the Department of Safety and Professional services under this bill.

*** ANALYSIS FROM -1033/3 ***

Under the Clean Water Fund Program, this state provides financial assistance as subsidized rates for projects that control water pollution. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. (S)

including loans
DSPS, formerly
called DRL

Under current law, the ^{following} interest rate ^{apply:} for projects that are necessary to prevent a municipality from exceeding a pollution limit in its wastewater discharge permit ^{move} is 60 percent of the market interest rate, ^{move} the interest rate for projects for the treatment of nonpoint source pollution and urban storm water runoff ^{move} is 65 percent of the market interest rate, and ^{move} the interest rate for projects for unsewered municipalities ^{move} is 70 percent of the market interest rate. This bill changes the interest rate for all of these kinds of projects to 80 percent of the market interest rate.

The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. ⁽⁹⁾ This bill sets the present value of the Clean Water Fund Program

subsidies that may be provided during the 2011-13 biennium at \$54,400,000. ^{and} The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$353,000,000.

Another form of financial assistance ^{also} that ^{financial hardship assistance to municipalities} this state provides under the Clean Water Fund Program ^{of financial hardship assistance} is financial hardship assistance. Current law limits the amount that this state may provide to a municipality in the form of financial

^{present value of the} hardship assistance to 15 percent of the total Clean Water Fund Program ^{present} value subsidy in a fiscal biennium. This bill changes the percentage to 5 percent.

Under the Safe Drinking Water Loan Program, this state provides loans at subsidized rates to local governmental units for construction or modification projects for public water systems. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the

2011-13 biennium at \$30,700,000 and increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$9,400,000.

BONDING

***** ANALYSIS FROM -0245/2 *****

Under current law, DNR administers the targeted runoff management program to provide financial assistance for projects to reduce nonpoint source water pollution in areas that have surface water quality problems. This bill increases the authorized general obligation bonding authority for the targeted runoff management program by \$7,000,000.

***** ANALYSIS FROM -0246/2 *****

Under current law, DNR administers programs to provide financial assistance for the management of urban storm water runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$6,000,000.

***** ANALYSIS FROM -0247/2 *****

Current law authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior or ^{their tributaries} a tributary of Lake Michigan or Lake Superior. Current law authorizes the issuance of bonds for this purpose. This bill increases the bonding authority for sediment removal projects by \$5,000,000.

***** ANALYSIS FROM -0248/2 *****

Current law authorizes DNR to conduct or fund activities to investigate and remedy environmental contamination in some situations. This bill increases the authorized bonding authority to finance those activities by \$3,000,000.

***** ANALYSIS FROM -1037/1 *****

④ The petroleum inspection fund, among other things, pays for projects to clean up discharges from petroleum product storage tanks.

\$19,500,000 OTHER

This bill transfers from the petroleum inspection fund, which, among other things, funds the program to clean up discharges from petroleum product storage tanks, to the transportation fund \$19,500,000 in each year of the fiscal biennium.

HEALTH AND HUMAN SERVICES

*** ANALYSIS FROM -1146/1 ***

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered, generally, by W-2 agencies under contracts with DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under W-2 (Wisconsin Shares). This bill makes a number of miscellaneous changes to W-2, including the following:

1. Limiting the length of time during which a participant may participate in a trial job to three months and in a trial job placement to 24 months; limiting the length of time during which a participant may participate in a community service job to six months and in a community service job placement to 24 months; and limiting the length of time during which a participant may participate in a transitional placement to 24 months.

2. Providing that a participant in a community service job placement may be required to engage in certain job-related activities for up to 30 hours per week and in educational or training activities for up to ten hours per week and that a

W-2's child care subsidy program

participant in a transitional placement may be required to engage in certain specified activities for up to 28 hours per week and in education^{al} or training activities for up to 12 hours per week.

3. Reducing the maximum monthly grant received by a participant in a community service job placement from \$673 to \$653 and by a participant in a transitional placement from \$628 to \$608.

4. Eliminating the requirement that DCF make certain determinations, such as whether good cause exists for a participant's failure to participate and that the services offered to a participant are appropriate for him or her, before determining that a participant is ineligible for three months to participate in W-2 due to a failure to participate in an assigned placement and the requirement that, before a participant who has refused to participate in an assigned placement loses eligibility for three months, he or she must be given a conciliation period, although the participant is still allowed a reasonable time to rectify his or her deficiency and avoid the loss of eligibility.

5. Eliminating the requirement that, after a W-2 agency has provided written notice to a W-2 participant whose benefits are about to be reduced by at least 20 percent or whose eligibility is about to be terminated, the W-2 agency also must orally explain the proposed action.

The bill also eliminates the transitional jobs demonstration project, under which DCF provides wage subsidies to employers who employ eligible individuals, and which was being conducted with federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009.

*** ANALYSIS FROM -0148/P2 ***

Current law prohibits DCF from increasing the maximum Wisconsin Shares child care provider reimbursement rates in 2009, 2010, or before June 30, 2011. Current law also requires DCF to submit to JCF a plan for implementing the child care quality rating system (quality rating plan). This bill provides that before June 30, 2013, DCF may not increase the maximum Wisconsin Shares child care provider reimbursement rates, but may modify an individual child care provider's reimbursement rate on the basis of the child care provider's quality rating, as that term is described in the quality rating plan, as follows: a provider who receives a one-star rating may be denied reimbursement; one who receives a two-star rating may have the maximum reimbursement rate reduced by up to 5 percent; one who receives a three-star rating will receive reimbursement at the maximum rate; one who receives a four-star rating may have the maximum reimbursement rate increased by up to 5 percent; and one who receives a five-star rating may have the maximum reimbursement rate increased by up to 10 percent. In addition, DCF is authorized to use a severity-index tool, as that term is described in the quality rating plan, to disqualify providers who receive low-quality ratings from providing child care services in Wisconsin Shares.

***** ANALYSIS FROM -1204/1 *****

The bill authorizes DCF to do any of the following to reduce costs under

Wisconsin Shares:

- not (1) Implement a waiting list;
- not (2) Increase the copayments paid by individuals who receive a child care subsidy;
- not (3) Adjust the amount of reimbursement paid to child care providers; or
- not (4) Adjust the gross income levels for eligibility for child care subsidies.

See next page

*** ANALYSIS FROM -1019/5 ***

PUBLIC ASSISTANCE

Under current law, income maintenance programs are administered by counties, ~~except for Milwaukee County, and by tribal governing bodies through contracts with DHS.~~ ^{and by the} The Milwaukee County enrollment services unit within DHS (Milwaukee unit) administers income maintenance programs in Milwaukee County.

(MA) ← Income maintenance programs are currently specified in the statutes as the Medical Assistance program, including BadgerCare Plus; the food stamp program, which is currently known as the supplemental nutrition assistance program or FoodShare in Wisconsin; and the funeral, burial, and cemetery expenses program under which counties pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits.

This bill requires DHS to establish an income maintenance administration unit (IM unit) in DHS to administer income maintenance programs in all counties. This bill provides that, ^U until the IM unit is prepared to assume income maintenance administration from counties, ^{and from the Milwaukee unit} DHS may continue to delegate income maintenance administrative functions to counties, on a county-by-county basis. Similarly, under this bill, the Milwaukee unit will continue to administer income maintenance programs for Milwaukee County until the IM unit is prepared to administer income maintenance programs in Milwaukee County. The Milwaukee unit is eliminated when the IM unit assumes income maintenance program administration in Milwaukee County. This bill requires that the IM unit administer income maintenance programs statewide no later than May 1, 2012. ^T Under this bill, the food stamp program, currently an income maintenance program, is transferred to DCF on January 1, 2013.

transfers
transfers

Under current law, DHS administers two programs that provide supplemental payments to individuals who are eligible to receive federal supplemental security income (SSI). The first program provides supplemental cash payments to an individual who qualifies for SSI. The second program provides additional cash payments to an individual who receives SSI, state supplemental payments, or both, and is a custodial parent of a dependent child. This bill transfers the administration of the state supplemental payment program and the caretaker supplement program to DCF.

***** ANALYSIS FROM -0151/1 *****

Under current law, qualified aliens receive FoodShare benefits. Federal law allows, but does not require, a state to provide those benefits, and any state that does provide such benefits must pay the whole cost itself. This bill eliminates the provision of FoodShare benefits to qualified aliens, except to the extent that it is required under federal law in this state.

***** ANALYSIS FROM -1195/2 *****

***** ANALYSIS FROM -1156/1 *****

Under current law, DHS pays the cost of medical treatment for persons with chronic kidney disease at a rate equal to the allowable charges under Medicare. This bill provides that DHS will pay for medical treatment for such persons at a rate that is determined by DHS and that does not exceed the allowable charges under Medicare.

***** ANALYSIS FROM -0149/2 *****

Under current law, DCF allocates specific amounts of federal moneys in each fiscal year, including Child Care Development Funds (CCDF) and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs and for child care-related purposes,

including its day care licensing activities. This bill increases, decreases, and continues those allocations, and makes a new allocation for services provided under the child welfare program improvement plan developed under federal regulations.

Insert 59A →

*** ANALYSIS FROM -0582/P3 ***

MEDICAL ASSISTANCE

move down

Insert 59-B ↓ Under current law, in certain counties, a person who meets certain functional and financial criteria and who is either a frail elder or an adult with a physical disability or a developmental disability is eligible for community-based services through Family Care, a medical assistance waiver program known as Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), or a self-directed supports options program (known as IRIS). In a county where Family Care, Family Care Partnership, PACE, or IRIS is available, this bill caps enrollment in an available program at the number of participants in that program on a specific date for the 2011-13 biennium.

not Family Care is currently available only in certain counties. This bill also prohibits the expansion of Family Care to counties in which the program is not available on July 1, 2011, during the 2011-13 biennium, unless DHS determines that the expansion is cost-effective.

*** ANALYSIS FROM -1375/1 ***

Insert 55 → *see p 57* Under current law, the Medical Assistance (MA) program provides family planning as a benefit to its recipients. Currently, DHS may request a waiver to conduct and may implement a project to provide family planning services under MA to men between the ages of 15 and 44 whose family income is not more than 200 percent of the federal poverty level. This bill eliminates the ability on January 1, 2012, for DHS to request a waiver to conduct or to implement a project providing family planning services under MA to men.

***** ANALYSIS FROM -0970/2 *****

Under the expanded Medicare buy-in program under current law, MA pays premiums, deductibles, and coinsurance for Medicare coverage for elderly or disabled persons who are entitled to coverage under Medicare Part A or under Medicare Part A and Part B and whose income and resources are sufficiently low to satisfy the eligibility criteria under the program. Current law limits coinsurance payment for a service under Medicare Part B to the allowable charge for the service under MA minus the Medicare payment. This bill limits coinsurance payment for a service under Medicare Part A to the allowable charge for the service under MA minus the Medicare payment.

***** ANALYSIS FROM -0724/1 *****

The Birth to 3 waiver program and the disabled children's long-term support program are MA waiver programs that permit DHS to offer home and community-based services to children under MA. Counties pay the nonfederal share of MA costs for services provided under the Birth to 3 waiver program and for services provided to some of the children in the disabled children's long-term support program. Currently, counties administer these programs and pay providers who provide services under the programs.

Under this bill, DHS will utilize a private entity to administer the Birth to 3 waiver program and the disabled children's long-term support program. The private entity will also pay providers for services provided under these programs.

This bill requires counties to pay the following costs by providing funds to DHS, rather than by paying the costs directly:

- 1) The nonfederal share of services the county provides without state funding under the disabled children's long-term support program.

Mark
to 56

2. The nonfederal share of benefits provided under the Birth to 3 waiver program.

3. The administration costs for the Birth to 3 waiver program.

4. The administration costs for services the county provides without state funding under the disabled children's long-term support program for a participant enrolled after January 1, 2011.

***** ANALYSIS FROM -0986/3 *****

Under current
law,

One of the benefits that MA provides is hospital care, and therefore DHS reimburses certain hospitals for the care provided to MA recipients. In addition to those reimbursements, DHS currently makes supplemental payments to certain hospitals. This bill eliminates the supplemental payments from the MA program to essential access city hospitals.

hospital
hospital
care
care
provided
provided
under MA
under

***** ANALYSIS FROM -0174/4 *****

Under current law, DHS administers MA, which is a jointly funded federal and state program that provides health services to individuals who have limited resources. Certain services related to screenings, home health, reproductive health, mental health, physical and psychosocial rehabilitation, and other services (covered services) are among services that are covered under MA. Currently DHS may make MA payment adjustments to a county department for covered services. DHS then may decrease a county's allocation of community aids moneys by the amount of MA payment adjustments paid from general purpose revenue by DHS.

Insert
55

This bill creates a second procedure under which DHS may make payments to county departments for covered services. Under ^{this} (the second) procedure, county departments must submit, annually, certified cost reports to DHS for covered services. DHS must base the amount of a claim for federal MA funds on the certified cost reports the county departments submit. For those covered services, under the

this
this

2 second procedure, DHS must pay county departments a percentage, as established in the state's most recent biennial budget, of the federal funds claimed. This bill allows DHS to also pay local health departments under the second payment procedure.

Currently,
= ↑

***** ANALYSIS FROM -0809/4 *****

DHS makes payments to providers of those MA health services and other payments related to MA out of various appropriation accounts, including a general purpose revenue (GPR) appropriation account; a program revenue (PR) appropriation account containing moneys from MA cost sharing, penalty assessments, and the pharmacy benefits purchasing pool; and the MA trust fund.

These expenditures sometimes generate refunds from providers, third party liability payments, drug rebates, audit recoveries, and other collections.

This bill creates a PR appropriation account into which moneys received from provider refunds, third party liability payments, drug rebates, audit recoveries, and other collections related to expenditures from the GPR appropriation account, the MA cost-sharing appropriation account, and the MA trust fund for the MA program, regardless of the fiscal year in which the expenditure was made, are deposited. DHS may expend the moneys in this PR appropriation account for the same purposes it expends moneys from the GPR appropriation account for the MA program.

***** ANALYSIS FROM -0243/2 *****

2 Currently, the federal Centers for Medicare and Medicaid Services (CMS) oversees MA. MA provides benefits to eligible individuals who reside in a nursing home or a certain licensed community-based residential facility. CMS currently uses a method, called "Resource Utilization Groupings III," to categorize residents of facilities by the level of needed resources and calculate the payments to facilities under MA. This acuity-based payment system currently requires the incorporation

of acuity measurements under the most recent "Resource Utilization Groupings III" methodology to set the case-mix adjustment. This bill changes the terminology to "Resource Utilization Groupings" and allows, instead of requires, the incorporation of acuity measurements for case-mix adjustment.

***** ANALYSIS FROM -1325/2 *****

HEALTH

Under current law, DHS administers the Senior Care program, which provides assistance to the elderly in the purchase of prescription drugs. To be eligible for Senior Care, a person must be a resident of the state, be at least 65 years of age, not be a recipient of prescription drug coverage through Medical Assistance, have a household income that does not exceed 240 percent of the federal poverty line, and pay a program enrollment fee. This bill adds as a requirement for eligibility for Senior Care that the person must apply for and, if eligible, enroll in Medicare Part D, which is a federal prescription drug assistance program.

***** ANALYSIS FROM -1330/P1 *****

Under current law, DHS provides funding for family planning services, including maintaining a state plan for community-based family planning programs and specific annual grants. This bill eliminates this family planning services funding.

***** ANALYSIS FROM -0241 *****

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

WOF (This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to a person who is a recipient of the Family Care Program, a

community-based long-term care MA waiver program, or supplemental security income.

***** ANALYSIS FROM -1310/1 *****

Under current law, the fees that a health care provider may charge for copies of patient health care records are set by statute. This bill eliminates statutory fees for copies of patient health care records and requires that DHS promulgate rules to establish maximum fees that a health care provider may charge for copies of patient health care records under certain circumstances.

***** ANALYSIS FROM -1309/1 *****

Under this bill, DHS is also authorized to set fees for testing infants for congenital disorders by administrative rule.

***** ANALYSIS FROM -0183/1 *****

CHILDREN

Current law requires DCF to establish a pilot program under which not more than four counties and, in Milwaukee County, one licensed child welfare agency (agency) may employ alternative responses to a report of suspected or threatened child abuse or neglect. This bill eliminates those caps on the number of county agencies that may participate in the pilot program.

***** ANALYSIS FROM -0146/1 *****

Current law requires that payments received for child support be applied first to child support that is due in the month in which the payment is received, then to any overdue child support, and finally to any interest that has accrued on unpaid child support. This bill provides an exception to the order in which payments received for child support are distributed if federal statutes or regulations require a different order, which is the case.

***** ANALYSIS FROM -1324/P1 *****

move to p.61

OTHER HEALTH AND HUMAN SERVICES

Under current law, a county with a population of less than 500,000 must establish a county department of social services, and ~~such a county~~ may establish a county department of human services. A county with a population of 500,000 or more must establish both a department of social services and a department of human services. Two or more counties that are contiguous and that each have a population of less than 500,000 may combine to form a department of social services or a department of human services on a multicounty basis. There is no multicounty option for counties with a population of 500,000 or more.

two or more ← This bill authorizes ~~noncontiguous~~ counties and counties with populations of 500,000 or more to combine to form a department of social services or a department of human services on a multicounty basis. *regardless of whether they are contiguous and regardless of population*

Insert from p. 60 →

*** ANALYSIS FROM -0153/P1 ***

This bill transfers from DWD to DCF one position, and any incumbent employee holding that position, that is primarily related to local agency reimbursement contracts for programs administered by DCF. The bill also transfers from DCF to DHS three positions, and any incumbent employee or employees holding those positions, that are primarily related to automation security for the Client Assistance for Reemployment and Economic Support (CARES) system. All transferred incumbent employees retain the same rights and status after the transfer that they enjoyed before the transfer.

*** ANALYSIS FROM -1258/2 ***

INSURANCE

Current law requires health insurance policies, including defined network plans and voluntary nonprofit health care plans operated by a cooperative association, and self-insured governmental and school district health plans to cover

the cost of contraceptives prescribed by a health care provider and of outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive. This bill eliminates these requirements.

***** ANALYSIS FROM -1206/1 *****

The state life insurance fund (fund), administered by OCI, may issue any type of life insurance policy, with a limit not exceeding \$10,000, to any state resident. This bill prohibits the fund from issuing any life insurance policies on or after the date on which this bill becomes a law except for policies issued on the basis of applications that were received before that date.

***** ANALYSIS FROM -0152/P1 *****

Under current law, the state life insurance fund (fund) is required to pay a fee to DOA of 2 percent of net premiums collected by the fund for general services rendered by state agencies that are not otherwise charged to the fund. This bill eliminates the requirement for the fund to pay that 2-percent fee to DOA.

***** ANALYSIS FROM -0858/P1 *****

JUSTICE

Under current law, the (OJA) makes grants to counties that establish programs to provide alternatives to prosecuting and incarcerating criminal offenders who abuse alcohol or other drugs.

not (This bill requires counties that receive these grants to provide a 25 percent funding match.

***** ANALYSIS FROM -0830/P6 *****

Under current law, the OJA provides, in each fiscal year, a \$20,000 grant to 14 child advocacy centers within the state for education, training, medical advice, and quality assurance. This bill reduces that amount to \$17,000 in each fiscal year.

***** ANALYSIS FROM -0158/P2 *****

Office of Justice Assistance

each of each of

Under current law, when a person is convicted of a crime or if a person was charged with a crime but the criminal charge was amended to a civil offense, ^{when} and a court finds that the person committed the civil offense, the person pays a crime victim and witness assistance surcharge. DOJ uses a percentage of the surcharge to provide grants for sexual assault victim services.

^{not} This bill specifies that DOJ may use some of the funds ^{surcharge surcharge} it provides as grants for sexual assault victim services to pay the costs of administering the grant program.

LOCAL GOVERNMENT

*** ANALYSIS FROM -0644/3 ***

^{were} ~~are~~ Under current law, local levy limits are applied to the property tax levies that ^gare imposed in December 2010. Current law prohibits any city, village, town, or county (political subdivision) from increasing its levy by a percentage that exceeds its "valuation factor," which is the greater of either 3 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. In addition, the calculation of a political subdivision's levy does not include any tax increment that is generated by a tax incremental district, and the base amount of a political subdivision's levy, on which the levy limit is imposed, is the maximum allowable levy for the immediately preceding year.

This bill extends the levy limits to the property tax levies that ^{will be} are imposed in December 2011 and 2012, and changes the limit to the greater of either zero percent or the percentage change in the political subdivision's equalized value due to new construction ^{less} improvements removed.

Also under current law, the base amount of a political subdivision's levy in any year is the maximum allowable levy for the immediately preceding year. Under this

bill, the maximum base amount of a political subdivision's levy is limited to its actual levy for the immediately preceding year.

This bill also requires a political subdivision to reduce its levy limit if the amount of its levy in the current year for its payment of debt service for debt issued before July 1, 2005, is less than its levy for that purpose in the previous year. The amount of the levy reduction is the amount by which its levy for such debt service was reduced.

***** ANALYSIS FROM -1356/2 *****

Generally under current law a village with a population of at least 5,000 is required to provide police protection services by creating its own police department, by contracting for police protection services with a political subdivision, or by creating a joint police department with another city, village, or town (municipality). Also under current law, in general, a village with a population of at least 5,500 is required to provide fire protection services by methods that are similar to the way in which it provides police services.

Current law also authorizes any village to provide police and fire protection services (protection services) in one of two additional ways. The first way is by using a combined protective services department, which is neither a police department nor a fire department, which was created before January 1, 1987, and in which the same person may be required to perform police protection and fire protection duties (protection duties), subject to some limitations on consecutive hours that may be worked in police protection. The second way is by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform protection duties, subject to some limitations on consecutive hours that may be worked in police protection and subject

to the limitation that those persons were required to perform those duties before January 1, 1987. In either case, the village may designate any person required to perform protection duties as primarily a police officer or fire fighter for purposes related to presumptions related to certain employment-related diseases.

Generally under current law, 2nd, 3rd, and 4th class cities (presently all cities other than Milwaukee) with populations of at least 4,000 must have police departments and fire departments, and may have joint departments with other municipalities. Such cities are generally required to have a board of police and fire commissioners, which appoint the police and fire chiefs who, in turn, appoint subordinates subject to approval by the board. Current law also authorizes a city to abolish its police department if it enters into a contract with a county under which the sheriff provides law enforcement services to the city.

Under a decision of the Wisconsin Supreme Court, *Local Union No. 487, IAFF-CIO, v. City of Eau Claire*, 147 Wis. 2d 519 (1989), cities may not create combined protective services departments or require persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform protection duties.

This bill authorizes 2nd, 3rd, and 4th class cities, and towns, to provide protection services in the same two additional ways that villages may do so, either by creating a combined protective services department which is neither a police department nor a fire department and in which the same person may be required to perform protection duties, or by requiring persons in a police department or fire department, alone or in combination with persons designated as police officers or fire fighters, to perform protection duties. The bill also removes the limitations on

villages relating to the creation of a department, and the requirement relating to the performance of duties, before January 1, 1987.

Under the bill, municipalities may designate any person who is required to perform police protection and fire protection duties as primarily a police officer or fire fighter for purposes relating to rest days, consecutive hours worked, hours of labor, rules for leaving the city, and presumptions related to certain employment-related diseases. These requirements and limitations that apply to persons designated as primarily a police officer or fire fighter under the bill apply to police officers and fire fighters under current law. ^Q If a city creates a combined protective services

department, the city must create a chief of the department and must abolish the offices of chief of police and fire chief. The chief of a combined protective services department has the same authority as the chief of police and fire chief ~~had~~.

***** ANALYSIS FROM -1343/1 *****

Under current law, to participate in a public library system a municipal, county, or joint public library (local library) or a county must meet a maintenance of effort requirement. ^{which relates to the amount of} A county must maintain its financial support ^{provided to the local library or by the county} for library services at a ^{level} level not lower than the average support of the previous three years. ^{cover} A local library must receive total funding from its governing body in an amount of not less than the average amount of the previous three years. This bill repeals these maintenance of effort requirements.

***** ANALYSIS FROM -1323/P1 *****

This bill authorizes a county board to direct its clerk of courts to operate a self-help center in the county courthouse to provide individuals with information regarding the court system. ^{including} The information provided may include guidance on small claims and family law proceedings, where to obtain legal advice and forms, and how to represent oneself in court. A self-help center may be staffed by county

which offices are required
which offices are required
under current law

employees or volunteers, although no staff member may provide legal advice to self-help center patrons. The bill also authorizes a county to impose a fee on individuals who use the services provided by a self-help center.

***** ANALYSIS FROM -1053/6 *****

NATURAL RESOURCES

STEWARDSHIP

Current law authorizes the state to incur public debt by issuing bonds for certain conservation activities under the stewardship program, which DNR administers. The state may authorize bonds to acquire state land or easements that are under the jurisdiction of DNR for areas such as state forests and state parks and the Lower Wisconsin State Riverway. Also, currently under the stewardship program, DNR may issue bonds to award grants or state aid to certain governmental units and to nonprofit conservation organizations in order to acquire lands, easements, or development rights.

This bill limits acquisitions of land, easements, and other rights or interests in land under the stewardship program to only acquisitions of land in fee simple and acquisitions of certain easements for forestry purposes (forestry easements), easements for state trails or the Ice Age Trail, and easements that are necessary to provide access to lands or waters that are required to be open to the public ^{and} for which there is no public access or limited public access. An acquisition of land in fee simple

is one where all the rights in the land are acquired, as opposed to the acquisition of just an easement or development rights. Under the bill, an easement acquired for

a state trail, for the Ice Age Trail, or to provide access to land or a body of water may not be more than five acres in size.

The bill requires a city, village, town, or county to adopt a nonbinding resolution that either supports or opposes a proposed acquisition of land or easement and

except for forestry easements,
except for forestry easements

no proposed to just an easement or development rights
or development rights

requires DNR to consider the resolution in determining whether to approve the acquisition. This requirement does not apply to forestry easements.

Under current law, lands, and certain easements on lands, acquired under the stewardship program must be open to the public for nature-based outdoor activities such as hunting, fishing, hiking, and cross-country skiing ^{unless} the DNR board determines that the land may be closed to protect public safety or a unique animal or plant community or to accommodate usership patterns such as conflicts between these types of activities (reasons for prohibiting public access). This bill eliminates the accommodation of usership patterns as a reason for prohibiting public access with respect to lands, or easements on lands, that are not acquired for a state trail or the Ice Age Trail and that are acquired after the bill becomes law.

Under current law, if a land acquisition or development project under the stewardship program costs more than \$750,000, DNR cannot obligate money from the stewardship fund for that activity until DNR gives to JCF written notice of the proposed activity. JCF may schedule a meeting to review the proposal only if at least

five members of JCF, one of whom is a cochairperson, object in writing to the proposed activity. If the cochairpersons of JCF do not notify DNR within 14 working days after the date of DNR's notification that JCF has scheduled a meeting to review the proposed activity, DNR can obligate the money. If the cochairpersons notify DNR that JCF has scheduled a meeting to review the proposed activity, DNR can obligate the money only if JCF approves the proposed activity or if JCF fails to hold the meeting within a specific number of working days. This bill decreases the \$750,000

threshold to \$250,000.

*** ANALYSIS FROM -0143/2 ***

AND JCF reviews the legislation
and JCF reviews the legislation
under its passive review process

Under current law, the acquisition costs to be used in calculating the amount of a grant under the stewardship program equal the fair market value of the land being acquired plus any other acquisition costs if the land has been owned by the person conveying the land for three years or more. If the land has been owned for one year or more but less than three years, the acquisition costs equal the sum of the current owner's acquisition price and an annual adjustment increase (adjusted price). If the land has been owned for less than one year, the acquisition costs equal the current owner's acquisition price.

Under this bill, the acquisition costs for land that has been owned for one year or more but less than three years equal the adjusted price or the current fair market value, whichever is lower. The acquisition costs for land that has been owned for less than one year equal the current owner's acquisition price or the current fair market value of the land, whichever is lower.

***** ANALYSIS FROM -1053/6 *****

OTHER NATURAL RESOURCES

Under current law, land that DNR purchases is not subject to property taxes. Instead, DNR makes annual payments to municipalities for each parcel of land that the DNR has purchased in those municipalities. The payment amount is determined, generally, by multiplying the parcel's estimated value by the aggregate net general property tax rate that would apply to the parcel if it were subject to property taxes. This bill eliminates those payments for land purchased after the bill's effective date.

***** ANALYSIS FROM -0249/1 *****

Under current law, DNR administers a financial assistance program for projects that increase dam safety and may contract public debt to fund the program.

This bill increases DNR's bonding authority for the program, the debt service on which is paid from the general fund, by \$4,000,000.

***** ANALYSIS FROM -0137/1 *****

Also, under this grant program, dam owners, including municipalities and public inland lake protection and rehabilitation districts, generally are eligible to receive a grant only if DNR has issued a directive to the owner to take action to increase the dam's safety. Under current law, in order to obtain a grant, the dam owner must request ^s the grant within six months after having received a DNR ^e the directive. This bill eliminates the deadline for making a grant request under the grant program.

***** ANALYSIS FROM -1442/1 *****

Under current law, a person who owns a snowmobile that is not registered in this state or ^{that} is exempt from registration must display on the snowmobile a trail use sticker issued by DNR. Current law also requires DNR to calculate an amount equal to the number of ^{those} trail use stickers issued by DNR in the previous fiscal year multiplied by \$15 and to credit this amount to an appropriation account that funds

for aids to counties for activities such as trail development and maintenance. This bill increases the amount by which DNR must multiply the number of trail use stickers

from \$15 to \$32 for purposes of determining the amount to be credited to this ^{the} appropriation account.

***** ANALYSIS FROM -1465/P4 *****

OCCUPATIONAL REGULATION

Under current law, DRL, and various boards in DRL, administers Wisconsin's professional credentialing laws. DRL is charged with ensuring the safe and competent practice by credentialed professionals in Wisconsin, such as doctors,

Insert 70B cont'd ↓

nurses, cosmetologists, real estate agents, and veterinarians. This bill changes DRL's name to the Department of Safety and Professional Services (DSPS).

Insert 71 →

***** ANALYSIS FROM -1272/P4 *****

Under current law, DRL directly administers the regulation of real estate

practice in Wisconsin. DRL's duties and powers include issuing licenses to real estate

brokers and sales persons; issuing registrations to time-share salespersons;

approving forms for use in real estate practice, including an offer to purchase;

promulgating rules regulating real estate practice; developing and grading real

estate examinations; approving continuing education courses; preparing written

materials and conducting clinics to disseminate information to licensees; entering

into reciprocity agreements with other states; and, if DRL receives credible evidence

that a real estate broker or salesperson or a time-share salesperson has violated real

estate law, conducting investigations, holding hearings, and making findings

regarding that violation. There is also a real estate board (board) under current law,

which conducts disciplinary proceedings and has the power to apply appropriate

discipline. The board also reviews and comments on administrative rules relating

to real estate practice that DRL proposes; may participate in public hearings

regarding proposed rules; may review proposed legislation regarding real estate

practice; and advises the secretary of DRL regarding real estate practice.

This bill eliminates the board and creates the Real Estate Examining Board,

which consists of five licensed real estate brokers or salespersons and two public

members, each of whom is appointed to a four-year term. The bill transfers most of

DRL's duties and powers regulating real estate practice to the Real Estate

Examining Board including rules promulgation and approval of the forms used in

real estate practice.

an alleged

of real estate law

Currently, the

regulation and licensing

may

licensees

among other powers

and

***** ANALYSIS FROM -1404/1 *****

Current law defines the practice of pharmacy to include making therapeutic alternate drug selections, if made in accordance with written guidelines or procedures established by a hospital's pharmacy and therapeutics committee and approved by the hospital's medical staff and approved for a patient by the patient's physician or advanced practice nurse prescriber.

Under the bill, therapeutic alternate drug selections ^{requires that} ~~must~~ ^{may also} be made ~~in~~ accordance with guidelines or procedures established by a hospital's pharmacy and therapeutics committee or by a skilled nursing facility or an intermediate care facility for persons with mental retardation. The bill deletes the requirement that ^{the written} guidelines or procedures ~~established by a hospital's pharmacy and therapeutics committee~~ be approved by the hospital's medical staff and ~~approved for a patient by~~ the patient's physician or advanced practice nurse prescriber.

***** ANALYSIS FROM -0252/P2 *****

This bill creates a continuing appropriation for all moneys received by DSPS from gifts, grants, settlements, and proceeds, for the purposes for which the moneys are received.

***** ANALYSIS FROM -0222/1 *****

RETIREMENT AND GROUP INSURANCE

Currently, the Group Insurance Board (GIB) must offer to state employees and annuitants long-term care insurance policies that have been approved for offering under contracts established by GIB if an insurance company requests that the policy be offered. This bill eliminates the authority of an insurance company to require GIB to offer its long-term care insurance policy.

***** ANALYSIS FROM -1166/1 *****

This bill specifies that the Health Insurance Risk-Sharing Plan Authority (HIRSPA) is not required to pay employer contributions for any benefits related to

the sick leave conversion program or the supplemental health insurance premium credit program, which are administered by DETF. Employees of HIRSPA are not eligible for these programs.

***** ANALYSIS FROM -1052/P8 *****

SHARED REVENUE

This bill reduces the total amount of county and municipal aid payments beginning in 2012. The total amount of the reduction for all counties is \$36,500,000 and the total amount of the reduction for all municipalities is \$59,500,000. The reductions are allocated, generally, based on population and limited for each county and municipality to the lesser of a percentage of the entity's property value or 50 percent of the entity's county and municipal aid payment in 2011.

***** ANALYSIS FROM -0642/P3 *****

Under current law, a municipality may receive an expenditure restraint payment if its municipal budget has not increased from the previous year by more than the sum of an inflation factor and a valuation factor. The valuation factor is, generally, 60 percent of the municipality's property value. The inflation factor is the average annual percentage change in the U.S. Consumer Price Index. Under current law, the inflation factor cannot be ^{but not} less than 3 percent. Under this bill, the inflation factor cannot be less than zero.

STATE GOVERNMENT

***** ANALYSIS FROM -0207/8 *****

STATE FINANCE

This bill requires the secretary of administration to lapse to the general fund from the unencumbered balances of general purpose revenue (GPR) and program revenue appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$145,000,000 in the 2011-13 fiscal biennium and \$145,000,000 in the 2013-15 fiscal

biennium, subject to a 14-day passive review process by JCF. Under the bill, all executive branch state agencies, except for the UW System with respect to its program revenue appropriations, are subject to the lapse provisions. The bill further requires the secretary to make additional lapses to the general fund from GPR and program revenue appropriations to most executive branch state agencies and the courts during the 2011-13 and 2013-15 fiscal biennia.

The bill requires the cochairpersons of the Joint Committee on Legislative Organization to take actions during the 2011-13 ^{and 2013-15} fiscal ~~biennium~~ ^{a biennia} to ensure that from GPR appropriations to the legislature an amount equal to \$9,232,200 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both. ^{↑ during each fiscal biennium}

***** ANALYSIS FROM -1428/1 *****

This bill authorizes the building commission to contract before July 1, 2013, up to \$364,300,000 in state public debt to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities.

***** ANALYSIS FROM -1398/1 *****

Current statutes contain a rule of proceeding governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting GPR may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total GPR appropriations for that fiscal year. For ^{each of} fiscal year ^s 2011-12 ^{and 2012-13} the amount is \$65,000,000; ^{for} fiscal year 2012-13, the amount is \$65,000,000; and ^{for} each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year.

change the amount → *each of*
This bill provides that for fiscal years 2013-14 and 2014-15, the amount is \$65,000,000; *to* and for 2015-16 and each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year. *remains at*

***** ANALYSIS FROM -1471/2 *****

Currently, the statutes contain a rule of proceeding that limits the increase in moneys that may be appropriated from GPR during a fiscal biennium. The limitation *is* based on changes in the state's aggregate personal income. This bill repeals this provision.

***** ANALYSIS FROM -0698/3 *****

Currently, the College Savings Program Board, which is attached to the Office of the State Treasurer, administers the EdVest program, which is a college savings plan established pursuant to federal law to enable families to contribute moneys to accounts for the college expenses of dependents. Earnings on moneys in these accounts are generally not taxable under state or federal law. In addition, under current law, the state treasurer administers another college savings program, which is now closed to new participants, that enables certain persons to purchase tuition credits for beneficiaries to attend certain institutions of higher education. This bill

attaches the College Savings Program Board to DOA, as well as requires DOA to administer the other college savings program *which is closed to new participants and* currently administered by the state treasurer.

***** ANALYSIS FROM -0939/P3 *****

out
Under current law, any unencumbered balance at the end of a fiscal year in the DRL, renamed the Department of Safety and Professional Services in this bill, or the OCI appropriation for general program operations is retained in that appropriation account. This bill provides that any unencumbered balance in either of those

DSPS, formerly called DRL

appropriations at the end of a fiscal year that exceeds 10 percent of that year's expenditures from the appropriation lapses to the general fund.

Also under current law, any unencumbered balance at the end of a fiscal biennium in the medical examining board's appropriation for general program operations is retained in that appropriation account. The bill provides that any unencumbered balance in that appropriation at the end of a fiscal biennium that exceeds 10 percent of that biennium's expenditures from the appropriation lapses to the general fund.

***** ANALYSIS FROM -0712/3 *****

Under current law, ~~in the state investment fund~~, there is a ^{the} local government pooled-investment fund (fund). This fund consists of moneys placed ^{in the state investment fund} by local governmental units for investment by the State of Wisconsin Investment Board (SWIB). The state treasurer has several duties relating to the fund, which include prescribing the mechanisms and procedures for deposits and withdrawals into and from the fund, providing monthly reports to local governments on the fund's earnings, and promulgating rules to administer the fund. This bill transfers these duties to DOA.

***** ANALYSIS FROM -1304/1 *****

STATE EMPLOYMENT

This bill authorizes the secretary of administration to abolish any full-time equivalent position at any executive branch state agency if the position is vacant and if the secretary determines that filling the position is not required for the state agency to carry out its duties and exercise its powers.

***** ANALYSIS FROM -1187/P6 *****